

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LeROY A. GLAZER,**

**Plaintiff,**

**v.**

**Case No. 05-C-130**

**EUGENE J. BROOKHOUSE,  
EUGENE J. BROOKHOUSE, S.C.,  
WILLIAM K. RICHARDSON,  
FRANK J. PARISE,  
BROOKHOUSE, RICHARDSON & PARISE,  
Attorneys at Law,**

**Defendants.**

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**DECISION AND ORDER**

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Currently pending is plaintiff Leroy A. Glazer's Rule 7.4 expedited non-dispositive motion to amend the complaint and add a new party defendant, Andrew R. Brookhouse (Andrew B.), and to modify the allegations of the first cause of action for negligence. The defendants Eugene J. Brookhouse ("Brookhouse"), Eugene J. Brookhouse, S.C. ("Brookhouse S.C."), William K. Richardson ("Richardson"), Frank J. Parise ("Parise"), Brookhouse, Richardson & Parise, Attorneys at Law ("BR&P firm"), (collectively "the Defendants") oppose the motion stating that Glazer has not set forth an adequate explanation for the delay in naming Andrew B.

Rule 15(a) of the Federal Rules of Civil Procedure states that leave to file an amended complaint "shall be freely given when justice so requires." The Supreme Court has explained the meaning of "freely given" as used in Rule 15(a) by stating:

In the absence of any apparent or declared reason - such as  
undue delay, bad faith or dilatory motive on the part of a movant,

repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc. - the leave sought should, as the rules require be freely given.

*Foman v. Davis*, 371 U.S. 178, 182 (1962). Rule 15(a) “evinces a bias in favor of granting leave to amend” and unless there is a substantial reason to deny leave to amend, “the discretion of the district court is not broad enough to permit denial.” *Select Creations, Inc. v. Paliafito Am., Inc.*, 830 F.Supp. 1213, 1216 (E.D. Wis. 1993).

In considering the parties’ submissions, the Court concludes Glazer did not unduly delay in submitting his proposed amended complaint. The proceedings in this case are in the early stages. Having considered the circumstances and the liberal standard for amendment complaints, Glazer’s Rule 7.4 expedited non-dispositive motion to file an amended complaint is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:**

Glazer’s Rule 7.4 expedited non-dispositive motion (Docket No. 34) for leave to file an amended complaint is **GRANTED**.

The Clerk of Court **SHALL FILE** the proposed amended complaint which is attached to Glazer’s motion.

Dated at Milwaukee, Wisconsin this 17th day of August, 2006.

**BY THE COURT**

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa**  
**Chief Judge**